

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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Attorneys for Defendants
Merck & Co., Inc.,
Schering-Plough Corporation and
Merck-Schering Pharmaceuticals

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASEA/AFSCME LOCAL 52 HEALTH
BENEFITS TRUST, and CLAUDE EDWARDS,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

MERCK & CO., INC.; SCHERING-PLOUGH
CORPORATION; and MERCK/SCHERING-
PLOUGH PHARMACEUTICALS,

Defendants.

No.: C 08-0531 JL

**NOTICE OF STIPULATION
EXTENDING TIME TO ANSWER, MOVE
OR OTHERWISE RESPOND TO
COMPLAINT PENDING DECISION ON
TRANSFER BY JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

Compl. Filed: January 23, 2008
Trial Date: None set
Disc. Cut-Off: None set

Honorable James Larson

No.: C 08-0531 JL

NOTICE OF STIPULATION EXTENDING TIME TO ANSWER, MOVE OR OTHERWISE RESPOND TO
COMPLAINT PENDING DECISION ON TRANSFER BY JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

1 Pursuant to Local Rule 6-1(a), the parties stipulate to an extension of time to answer, move or
2 otherwise respond to the Complaint pending a decision on centralization of this and other matters by
3 the Judicial Panel on Multidistrict Litigation ("MDL Panel") in MDL Docket No. 1938, *In re*
4 *Vytorin/Zetia Marketing, Sales a Product Liability Litigation*. Attached here to as Exhibit A is a true
5 and correct copy of the parties' signed agreement.

6
7 DATED: February 19, 2008.

8 REED SMITH LLP

9
10 BY: /s/ Steven J. Boranian
11 Steven J. Boranian
12 Attorneys for Defendants
13 Merck & Co., Inc.,
14 Schering-Plough Corporation and
15 Merck-Schering Pharmaceuticals
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EXHIBIT A

FEB-17-2008 13:26 From:

5109818249

To:6096203259

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ASEA/AFSCME Local 52 Health
Benefits Trust, and Claudia Edwards, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

MERCK & CO., INC.; SCHERING-
PLOUGH CORPORATION; and
MERCK/SCHERING-PLOUGH
PHARMACEUTICALS,

Defendants.

CASE #: 3:08-cv-00531-JL

**ORDER EXTENDING TIME TO
ANSWER, MOVE OR OTHERWISE
RESPOND TO COMPLAINT
PENDING DECISION ON
TRANSFER BY JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

This matter having come before the Court on application of the Defendants for an extension of time to answer, move or otherwise respond to the Complaint pending a decision on centralization of this and other matters by the Judicial Panel on Multidistrict Litigation ("MDL Panel") in MDL Docket No. 1938, In Re Vytarin/Zetia Marketing, Sales and Products Liability Litigation, and the Plaintiffs having consented to the extension on the terms set forth below, it is hereby

ORDERED that the Defendants shall notify the Court of the decision of the MDL Panel within three business days after the MDL Panel issues its decision, and it is further

ORDERED that the time within which the Defendants may answer, move or otherwise respond to the Complaint in the above matter is hereby extended to a date to be

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set at the first scheduling conference after the MDL Panel issues its decision, and it is further

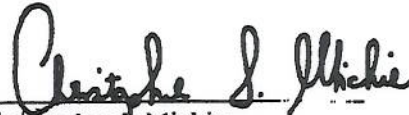
ORDERED that if the Defendants file a responsive pleading in any other similar action pending in another federal district court, they shall notify the Plaintiffs' counsel before filing such a pleading, and the Plaintiffs may then file a motion to amend this Order. Defendants reserve the right to oppose such a motion.

The undersigned consent
to the form and substance
of the above Order



Barry R. Himmelstein
Lieff, Cabraser, Heimann & Bernstein LLP

Attorneys for Plaintiffs



Christopher J. Michie
Dechert LLP

Attorneys for Defendants